

Development Management Sub Committee

22 November 2023

Confirmation of Tree Preservation Order No. 204 (Castle Gogar)

Item number

Report number

Wards

1 - Almond

Summary

Tree Preservation Order No. 204 (Castle Gogar) was made on 1 June 2023 to protect trees and woodlands in the interest of amenity. This Order expires after 6 months unless it is confirmed within this time. The Order must be confirmed before 1 December 2023 to ensure it provides permanent tree protection.

It is recommended that Committee confirms Tree Preservation Order No. 204 (Castle Gogar).

Links

[Policies and guidance for this application](#) CDP ENV12

Report

Confirmation of Tree Preservation Order No. 204 (Castle Gogar)

Recommendations

1.1 It is recommended that Committee confirms the Order.

Background

2.1 Site description

The Castle Gogar site is an open green area in the west of Edinburgh inbetween the airport and the A8 road. It is comprised of open fields with individual trees and woodland strips through it.

2.2 Site History

The Castle Gogar site encompasses an area of land within the development site designated as the International Business Gateway (IBG) in the current Local Development Plan (LDP) 2016. The Proposed City Plan 2030 identifies the IBG within part of a larger development priority in policy Place 16 West Edinburgh.

Application 20/03219/PPP for the adjacent site included an Environmental Impact Assessment which identified the Castle Gogar woodlands as an asset of elevated environmental value.

Main report

3.1 Description of the Proposal

The Castle Gogar site, along with the sites to the east and west of it, are expected to be developed in the coming years. The trees and woodlands onsite have the potential to greatly enhance any future development if they are protected. The planning authority has made TPO 204 in order ensure that the trees are properly protected throughout the planning and development process.

3.2 Determining Issues

Section 160 of the Town and Country Planning (Scotland) Act 1997 states that a planning authority may make an order specifying any trees, groups of trees or woodlands in their district and providing for their preservation if it is a) expedient in the interests of amenity to make that provision, or b) that the trees, groups of trees or woodlands are of cultural or historical significance.

The planning authority must consider any representations made in accordance with the Tree Preservation Order and Trees in Conservation Areas Regulations before the tree preservation order is confirmed.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the making of the Order is expedient in the interests of amenity or whether the trees, groups of trees or woodlands are of cultural or historical significance;
- b) the proposal complies with the development plan;
- c) equality and human rights issues have been addressed;
- d) any representations received indicates the Order should be confirmed, confirmed with modifications or abandoned.

a) Amenity, Expediency and Cultural or Historic Interest

The woodland areas are a significant environmental and landscape asset. They are part of the blue-green network, forming a section of a 1.9-mile stretch of trees linking the Gogar roundabout with the northern tip of the airport. They have been identified in a recent EIA as an asset of elevated ecological value. They form an avenue which has high landscape value for residents and visitors of Castle Gogar House and the adjacent Castle Gogar Rigg development. It is anticipated that the area will be further developed and the woodland strips will form a major landscape feature for any new neighbourhood.

The woodland strips have historic value as part of the landscaping of a historic site, forming an avenue along the access road for Castle Gogar House which was built in 1625. The tree strip is known to date back to the 19th century and possibly earlier.

The avenue of trees lining the entry road is a very significant landscape feature for all users of this area. The trees are large and well-established and meet over the road in many parts, creating a long green arch through which visitors pass. The individual trees also form important landscape features. All the trees included within this TPO have the potential to enhance any future development on the site and provide amenity for decades to come if they are properly protected.

It is expedient to make the Order as the site has been identified for development which means the trees may be at risk. Landowners may clear trees prior to an application, or trees may be damaged during construction, or they may be removed following construction because of impacts on new residents. The Order allows the planning authority to reduce and control these impacts on trees.

b) Development Plan

The supporting text of Policy Env 12 (Trees) of the Edinburgh Local Development Plan (LDP) states that where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

Further to this, the LDP under proposal GS 6, identifies a broader corresponding area as a greenspace proposal.

The Proposed City Plan 2030 has little weight at this stage having been submitted for examination, but Place Policy 16 continues to identify a corresponding area of green infrastructure.

The Order will allow the planning authority to prevent unnecessary removal of trees. In the case that development goes ahead, as anticipated by the Proposed City Plan 2030, it will allow the planning authority to ensure that tree removal is kept to a minimum and there is appropriate replacement of any trees which need to be lost.

Although not a requirement of legislation, Scottish Government Policy is that consent under the order should not be required where full planning permission has been granted that involves works to trees.

c) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

The statutory requirement on planning authorities is to make Orders where this is in the interests of amenity. Amenity in this context is interpreted as extending beyond the amenity of an individual party and being of wider public benefit. An Order allows any person to apply for permission to carry out tree pruning, felling etc at any time; at that time the individual circumstances of the case must be assessed and a decision on tree work proposals reached. There is a right of appeal against the decision of a planning authority.

d) Representations

The planning authority is required to consider any objection or representation made within 28 days of making and advertising a Tree Preservation Order. The making of the TPO was advertised in the normal manner. No representations were received.

Conclusion

The Castle Gogar site includes mature woodland areas and a number of individual trees of high landscape and amenity value. The site is identified for development and there is potential for the trees to be lost or damaged during this process if they are not properly protected.

TPO 204 was made under delegated powers to protect the trees from removal unless with the consent of the Planning Authority.

It is recommended that the Tree Preservation Order be confirmed in order to provide permanent protection. The Tree Preservation Order Schedule and map are enclosed at Appendices 1 and 2 and photographs of the trees at Appendix 3.

Financial impact

4.1 The financial impact has been assessed as follows:

Costs are accommodated through existing budgets.

Risk, Policy, compliance and governance impact

5.1 Provided Tree Preservation Orders are confirmed in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Not applicable.

8.2 Publicity summary of representations and Community Council comments

The Order was advertised in the local press on 1 June 2023 and displayed at Corstorphine Library in accordance with regulatory requirements. A copy was also available to view on the Council's website.

Background reading/external references

- [Planning guidelines](#)
- [Edinburgh Local Development Plan](#)
- [National Planning Framework 4 \(www.gov.scot\)](#)
- [Town and Country Planning \(Scotland\) Act 1997 \(legislation.gov.uk\)](#)
- [The Town and Country Planning \(Tree Preservation Order and Trees in Conservation Areas\) \(Scotland\) Regulations 2010 \(legislation.gov.uk\)](#)

Statutory Development

Plan Provision

Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders (ENV12).

Date registered

N/A

Drawing numbers/Scheme

N/A

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Links - Policies

Relevant Policies:

Local Development Plan

LDP Policy ENV12 (Trees)

Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or other tree worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

This policy recognises the important contribution made by trees to character, biodiversity, amenity and green networks. In assessing proposals affecting trees, the Council will consider their value, taking into account status such as Tree Preservation Order, heritage tree, Ancient Woodland and Millennium Woodland, and information from tree surveys.

Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

Appendices

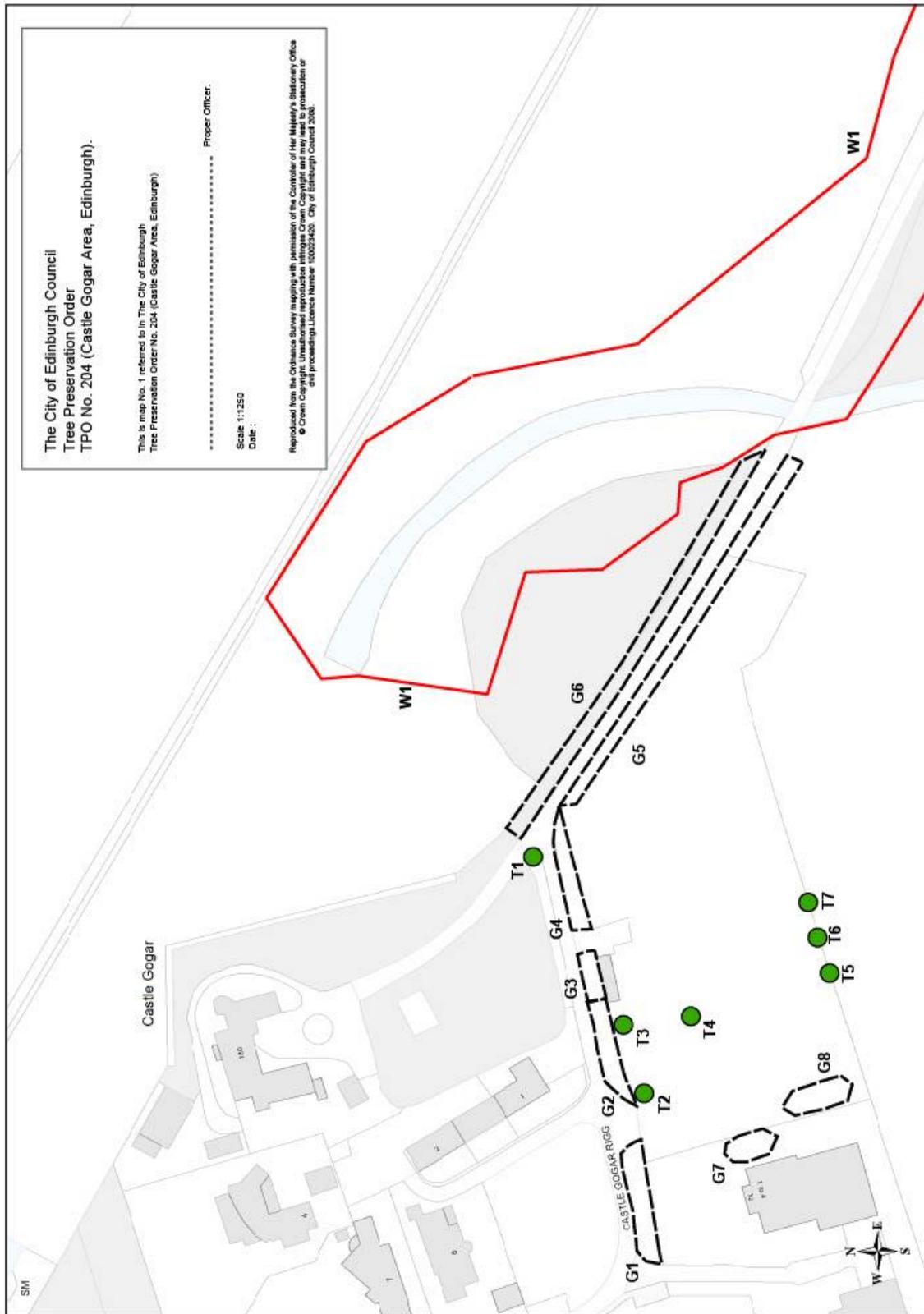
APPENDIX 1 Tree Preservation Order First Schedule

Trees Specified Individually (marked in green on the maps)		
No. on Maps	Description	Situation
T1	Lime	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
T2	Sycamore	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
T3	Sycamore	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
T4	Sycamore	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
T5	Sycamore	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
T6	Sycamore	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of

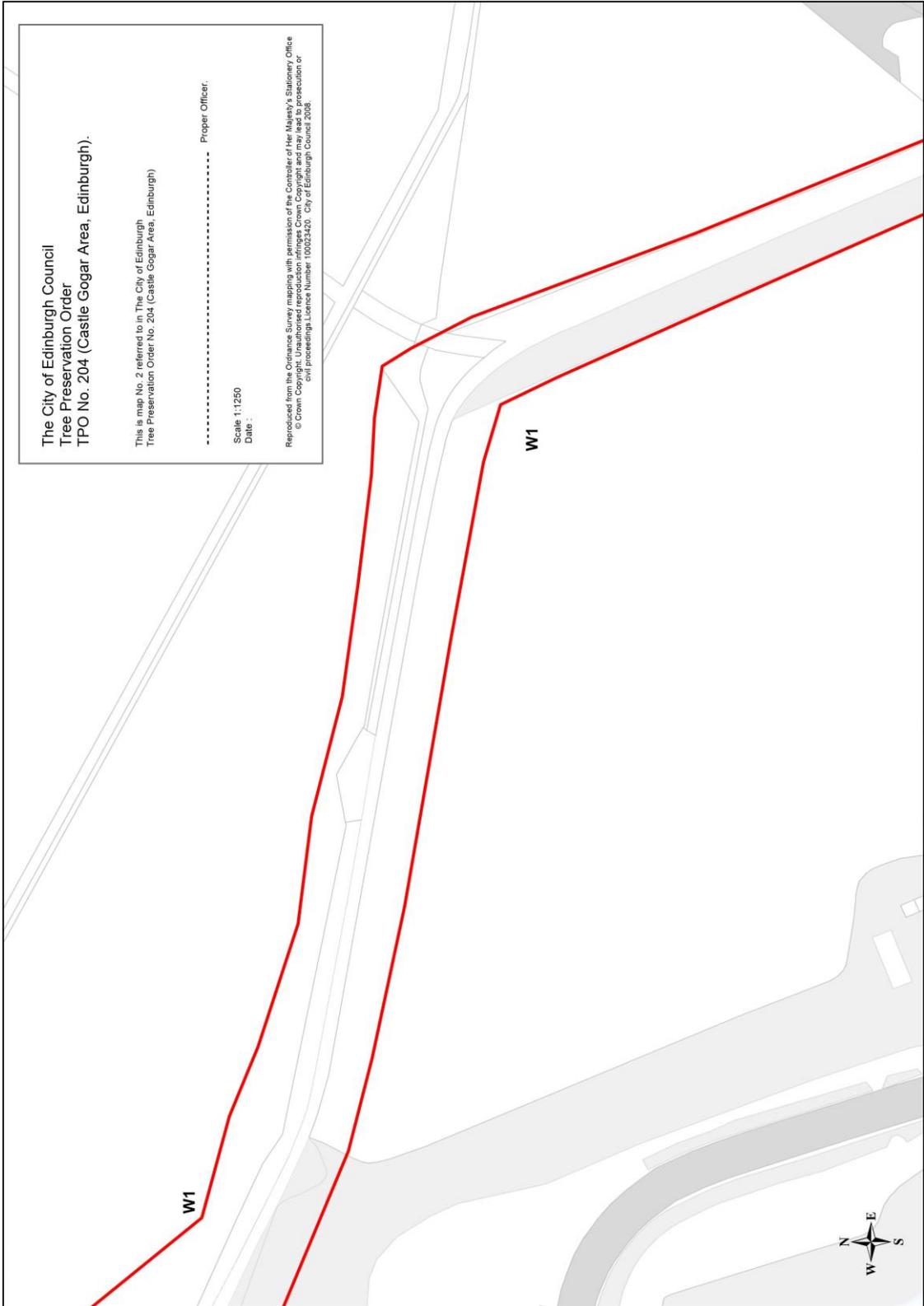
		Scotland with Title Number MID59517.
T7	Sycamore	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
Trees Specified by Reference to an Area (within a solid black line on the maps)		
No. on Maps	Description	Situation
None		
Groups of Trees (within a broken black line on the maps)		
No. on Maps	Description	Situation
G1	A row of 5 Birch	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
G2	A row of 4 Birch	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
G3	A row of 3 Birch	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
G4	A row of 6 Birch	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of

		Scotland with Title Number MID59517.
G5	A row of 9 trees comprising (NW to SE) 2 Horse Chestnut, 1 Beech, 1 Lime, 2 Sycamores, 1 Maple, 1 Sycamore and 1 Horse Chestnut.	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
G6	A row of 16 trees comprising (NW to SE) 1 Horse Chestnut, 1 Ash, 1 Horse Chestnut, 1 Maple, 2 Sycamore, 1 Lime, 1 Sycamore, 1 Maple, 1 Sycamore, 1 Horse Chestnut, 2 Sycamore, 1 Horse Chestnut, 1 Lime and 1 sycamore.	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
Woodlands (within a red line on the maps)		
No. on Maps	Description	Situation
W1	Woodland strips of various tree species	On the land at: (1) EDINBURGH AIRPORT, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID97007; (2) CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517; and (3) MEADOWFIELD FARM TURNHOUSE ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID34648;

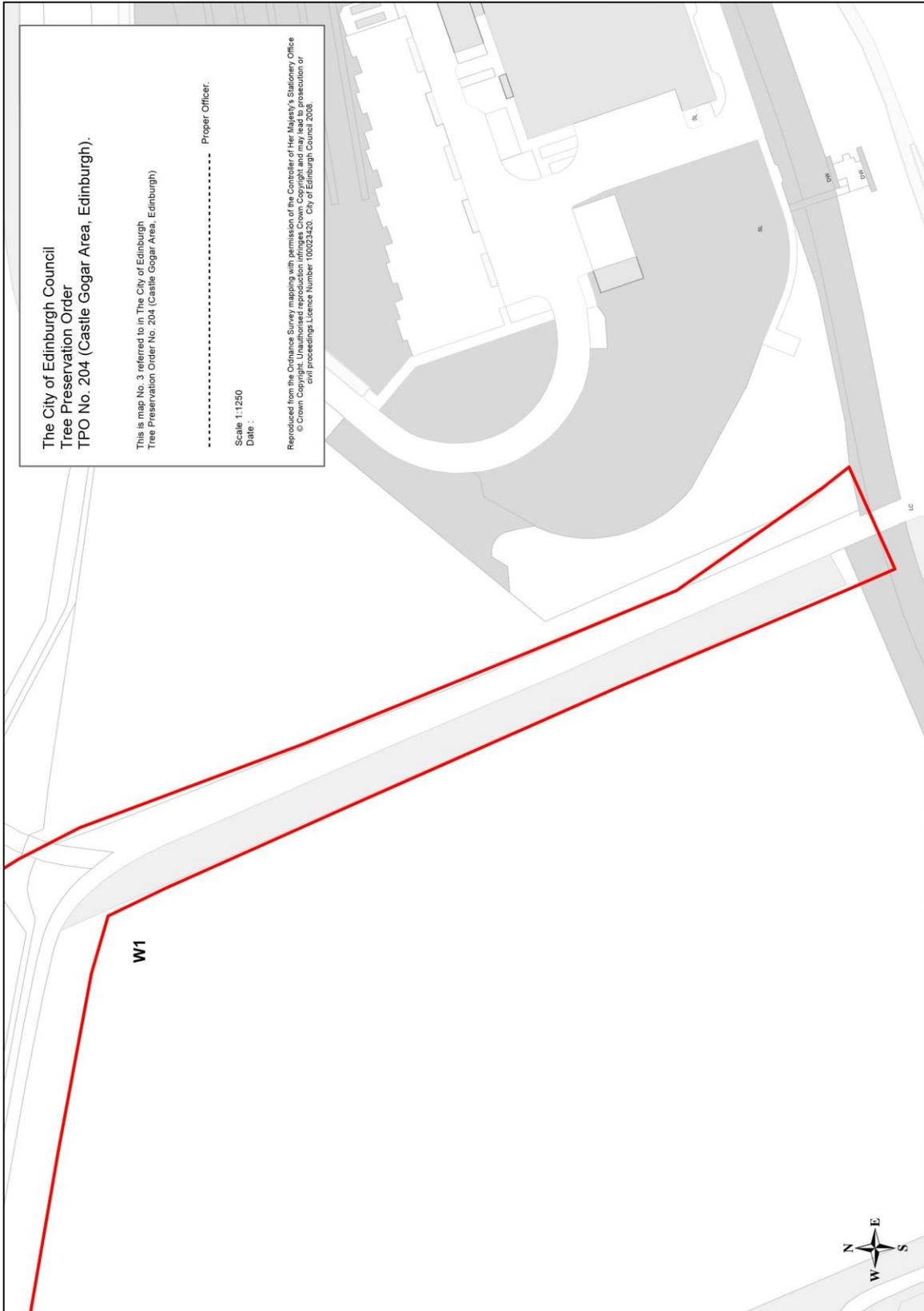
APPENDIX 2 Tree Preservation Order Maps



Map 1 of 3



Map 2 of 3



Map 3 of 3

APPENDIX 3 Photographs



Fig. 1: The south tip of W1 as seen from the tramline crossing



Fig. 2: Trees within W1 lining the access road



Fig. 3: Trees T5, T6 and T7



Fig. 4: Trees T2, T3, T4, T5, T6 and G7, and groups G7 and G8